

BZA 18-70 - Black & Towns request  
EXCEPTION to permit new and used  
car lot at 200 South West Street.

POSTED  
6-19-70  
MAY  
CI  
8-14-70

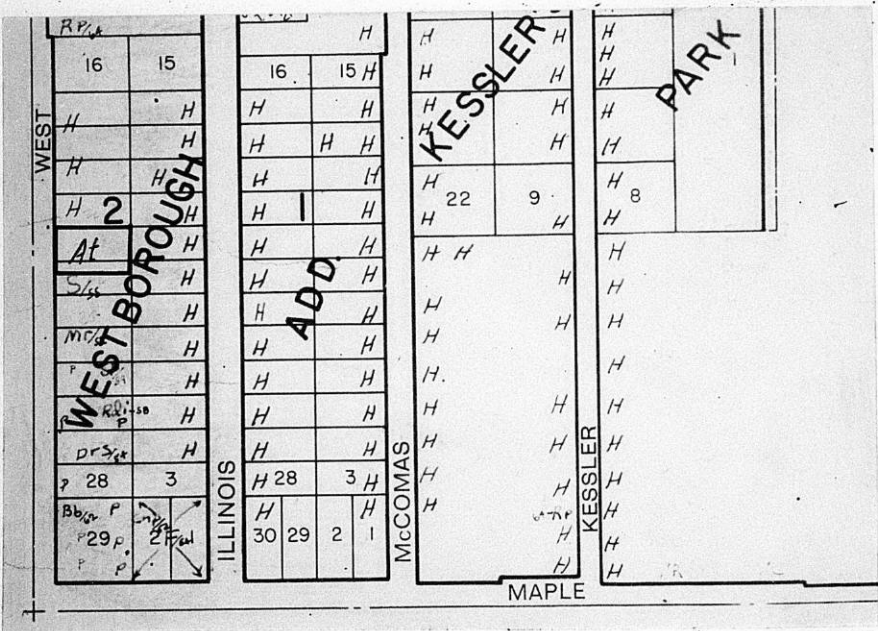
BZA 7-28-70 Approved

Map No. 5247  
 Sec. 24  
 Twp. 27  
 Range 1W

EZA 18-70  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:  
 1. Acres: 0.25 ( 90 ft. by 139 ft.)  
 2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_  
 3. Land Use: East SINGLE FAM South SERVICE STAT.  
 West \_\_\_\_\_ North SINGLE FAM  
 4. Sketch Plan Land Use is for: \_\_\_\_\_  
 5. Present Land Use is for: VACANT  
 6. Area (is) (is not) platted.

PHOTO DATA:  
 Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



RESOLUTION NO. BZA 18-70

WHEREAS, Black & Towns, 121 South Colorado, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the operation of a new and used car sales lot, on property zoned "LC" Light Commercial, and legally described as follows:

Lot 21 and the north 20 feet of Lot 22, Block 2, Westborough Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of West Street in an area between Douglas and Maple Streets.

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of July 28, 1970, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.C, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit the operation of a new and used car sales lot on property zoned "LC" Light Commercial subject to conditions out-lined in Section 28.04.183.2, Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the operation of a new and used car sales lot, on property zoned "LC" Light Commercial, and legally described as follows:

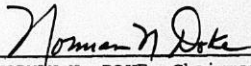
Lot 21 and the north 20 feet of Lot 22, Block 2, Westborough Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of West Street in an area between Douglas and Maple Streets.

subject to the following conditions:

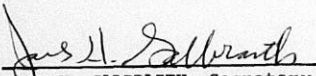
1. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
2. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
3. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.
4. No sound-projecting devices or loudspeakers shall be used (so as to be heard out-side of any structure).
5. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.

6. A six to eight foot high solid wall of masonry, architectural tile, staggered or louvered redwood, or rough-sawed cedar fence shall be constructed along the east property line.
7. All parking spaces abutting property lines shall have adequate guards, to prevent the extension or over-hanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
8. All repair work shall be conducted within an enclosed building. No body and fender work shall be permitted.
9. The applicant shall provide for the closing and return of the curb for the existing drive not proposed for use.
10. The closing of the curb and the installation of the new opening and the installation of the fence shall take place prior to the utilization of the application area for a new and used car lot.
11. All conditions of approval by the Board shall be complied with within 6 months or the application shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 28th day of July, 1970.

  
\_\_\_\_\_  
NORMAN N. DOKE, Chairman

ATTEST:

  
\_\_\_\_\_  
JACK H. GALBRAITH, Secretary

August 11, 1970

Mr. Leland Black  
121 South Colorado  
Wichita, Kansas 67209

Subject: Case No. BZA 18-70  
Request for Exception

Dear Mr. Black:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 28, 1970, in connection with your request for an exception to permit the operation of a new and used car sales lot on property zoned "LC" Light Commercial and generally located on the east side of West Street in an area between Douglas and Maple Streets.

This Resolution reflects the official action of the Board to approve your request and sets out the conditions of approval. It is forwarded to you for your information and files.

If you have any questions concerning this matter, please call our office.

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:ls

cc Black & Towns, 121 South Colorado 67209  
Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Central Inspection  
Ralph Eberly, City Clerk

July 29, 1970

Mr. Leland Black  
121 South Colorado  
Wichita, Kansas 67209

Subject: Case No. BZA 18-70  
Request for Exception

Dear Mr. Black:

At the regular meeting of the Board of Zoning Appeals on Tuesday, July 28, 1970, your request for an exception to permit the operation of a new and used car sales lot on property zoned "LC" Light Commercial and generally located on the east side of West Street in an area between Douglas and Maple Streets, was considered.

It was the action of the Board to approve this request subject to the conditions set out in the Secretary's Report.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:ls  
cc Black & Towns, 121 South Colorado 67209  
Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Central Inspection  
Ralph Eberly, City Clerk

SECRETARY'S REPORT  
CASE NO. BZA 18-70

**APPLICANT:** Black & Towns, 121 South Colorado, Wichita, Kansas

**AGENT:** Leland Black, 121 South Colorado, Wichita, Kansas

**REQUEST:** Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the operation of a new and used car sales lot

**GENERAL LOCATION:** On the east side of West Street in an area between Douglas and Maple Streets

**LAND USE:** Subject property is undeveloped; south and west are service stations; north and east are single family residences.

**ZONING:** Subject property is zoned "LC" Light Commercial as are those properties to the north, south and west; east is "AA" Single Family

**JURISDICTION:**

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception providing that the conditions set out in Section 28.04.183.2, Code of the City of Wichita, can be complied with.

**COMMENTS BY THE SECRETARY:**

The applicant is requesting an exception to permit the operation of a new and used car sales lot on property zoned "LC" Light Commercial. The site is adjacent to a major street (West Street) and is presently unoccupied.

The Ordinance states that the Board may grant exceptions in the "LC" Light Commercial district to permit the establishment of new and used car lots, subject to conditions and requirements outlined in the Zoning Ordinance. The primary purpose for this is that new and used car lots are not appropriate in every light commercial area and it is to be the decision of the Board as to where the proper locations should be. If it were felt that these car lots were appropriate in all "LC" areas, then the use would be permitted out right without Board of Zoning Appeals approval.

New and used car lots are highway oriented uses and usually other similar uses, such as mobile home sales, boat and marine sales and other uses of a heavier commercial nature congregate in the same area. Basically, the majority of these uses are located on North and South Broadway and East and West Kellogg, which are two of the major highways in the City. However, it should be pointed out that from viewing West Street in the field from Douglas south that there are a number of car lots, equipment rental operations, boat sales and other heavier type commercial uses already established in the area which in the opinion of the Secretary makes this request logical and proper.

The scaled drawing submitted with the application and which has been approved by the offices of the Traffic Engineer and the City Engineer indicates the existing 16 foot curb cut will be closed and moved to the north and increased to 24 feet.

**RECOMMENDATION:**

It is the recommendation of the Secretary that the application to permit a new and used car lot operation be approved subject to the following conditions:

1. All storage and display areas shall be paved with concrete, asphalt, or other comparable material.
2. All lights shall be shielded to direct light away from adjoining property. No string type lighting or banners shall be permitted.
3. No sign shall exceed 30 feet in height or shall be placed so as to project over any public right-of-way.
4. No sound-projecting devices or loudspeakers shall be used (so as to be heard outside any structure).
5. The area shall be properly policed through inspections by the owner or operator for the proper maintenance and removal of trash.
6. A six to eight foot high solid wall of masonry, architectural tile, staggered or louvered redwood, or rough-sawed cedar fence shall be constructed along the east property line.

Page 3 - Secretary's Report  
Case No. BZA 18-70

7. All parking spaces abutting property lines shall have adequate guards, to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
8. All repair work shall be conducted within an enclosed building. No body and fender work shall be permitted.
9. The applicant shall provide for the closing and return of the curb for the existing drive not proposed for use.
10. The closing of the curb and the installation of the new opening and the installation of the fence shall take place prior to the utilization of the application area for a new and used car lot.
11. All conditions of approval by the Board shall be complied with within 6 months or the application shall become null and void.

BOARD OF ZONING APPEALS  
Room 402 City Building Annex  
104 South Main Street  
Wichita, Kansas 67202

July 8, 1970

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 18-70

An application has been filed by Black and Towns, 121 South Colorado, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the operation of a new and used car sales lot, on property zoned "LC"-Light Commercial, and legally described as follows:

Lot 21 and the north 20 feet of Lot 22, Block 2, Westborough Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of West Street in an area between Douglas and Maple Streets.

This application has been assigned Case No. BZA 18-70, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 28, 1970, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

JACK H. GALBRAITH  
Secretary

*23 Notices mailed 7-8-70*

BOARD OF ZONING APPEALS

CASE NO. 18-70

CITY OF WICHITA, KANSAS

FILED 6-11-70

APPLICATION FOR EXCEPTION

I. Name of Applicant BLACK AND TOWNS  
Mailing Address 121-5 COLORADO<sup>67209</sup> Phone WH 36929  
Name of Authorized Agent Leland Black  
Mailing Address 121-5-Colo Phone WH 36929  
Relationship of applicant to property is that of PARTNER  
(Owner, Tenant, Lessee, Other).

II. Application is made for an exception as provided in Section  
2.12.580.2, Code of the City of Wichita, Kansas  
(Zoning Ordinance); to permit the installation or construction  
of NEW AND USED CAR LOT  
\_\_\_\_\_ on property zoned  
L.C., located 200 SOUTH WEST ST.  
\_\_\_\_\_ and legally described as: LOT 21  
AND <sup>the north</sup> 20 FEET OF LOT 22, BLOCK 2  
WEST BOROUGH ADD.  
\_\_\_\_\_, in the City of Wichita.

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
  - That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
  - That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.
  - That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.

Applicant Black + Towns

Authorized Agent L.H. Black

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 10:30 (a.m. - p.m.), June 11, 1970, together with appropriate fee of \$50.00.

T9-403

Signed J. Lynn Shively

June 11-1970

application for exception:

1. Applicant can and will make the property more attractive and productive
2. Full time supervision and care of the property could and would be maintained

Leland Black  
(partner)

Black & Towns

O W N E R S H I P   L I S T

Lot	Block	Addition	Property Owner
N 40' of 19	1	Westborough	✓ Cecil A. Smith & Lucile B. Smith 148 S. Illinois Wichita, Kansas 67213
S 20' of 19	"	"	✓ Margaret Lewis David 158 S. Illinois Wichita, Kansas 67213
20	"	"	Same
21	"	"	✓ Alice M. Keeler 160 S. Illinois Wichita, Kansas 67213
22	"	"	✓ Walter Eugene Johnston & Anna Marie Johnston 200 S. Illinois Wichita, Kansas 67213
23	"	"	✓ Edward M. Allen & Mayme J. Allen 212 S. Illinois Wichita, Kansas 67213
6	2	"	✓ Jim Anders Kelly & Gretchen Leona Kelly 219 S. Illinois Wichita, Kansas 67213
7	"	"	✓ C. H. Merriweather & Maude L. Merriweather 217 S. Illinois Wichita, Kansas 67213
8	"	"	✓ Alfred E. Parker & Evelyn J. Parker 211 S. Illinois Wichita, Kansas 67213
9	"	"	✓ Warren H. Wilson & Ruth E. Wilson 201 S. Illinois Wichita, Kansas 67213
10	"	"	✓ Herbert D. Bolain & Jo Ann Bolain 159 S. Illinois Wichita, Kansas 67213
11	"	"	✓ Harold K. Wagley & Elva L. Wagley 155 S. Illinois Wichita, Kansas 67213

Lot	Block	Addition	Property Owner
S 20' of 12	2	Westborough	<sup>dup</sup> Harold K. Wagley & Elva L. Wagley 155 S. Illinois Wichita, Kansas 67213
N 40' of 12	"	"	✓ A. Curtis Bundy & Angela T. Bundy 149 S. Illinois Wichita, Kansas 67213
S 40' of 13	"	"	Same
N 20' of 13	"	"	✓ J. Ludwig Storm & Elizabeth Storm 143 S. Illinois Wichita, Kansas 67213
14	"	"	Same
17	"	"	✓ Barbara Jean Wise 140 S. West Street Wichita, Kansas 67213
N 20' of 18	"	"	Same
S 40' of 18	"	"	<sup>Mary C. Jorgy</sup> ✓ <del>W. F. Cline &amp; Henrietta L. Cline</del> 534 Stratford Wichita, Kansas 67206
N 40' of 19	"	"	Same
S 40' of 19	"	"	✓ Franklin J. Schultz & Lela M Schultz 160 S. West Street Wichita, Kansas 67213
20	"	"	Same
21	"	"	<sup>dup</sup> Leland W. Black 121 S. Colorado Wichita, Kansas 67209 & ✓ Charles D. Towns 101 S. Nevada Wichita, Kansas 67209
22	"	"	Same
23	"	"	Same
24	"	"	Same
25	"	"	Same

Lot	Block	Addition	Property Owner
5	1	Westborough 2nd	Roy Schoeb Address unknown
6	"	"	✓ Ada M. Leporin & Floyd O. Leporin 5055 Irving Dr. Wichita, Kansas 67219
S 20' of 7	"	"	Same
N 40' of 7	"	"	✓ Jack H. Rathbone & Geraldine Lois Rathbone #10 Linden Wichita, Kansas 67206
8	"	"	Same
9	"	"	Same
10 & S 20' of 11	"	"	✓ Ada B. Keeler & Alice M. Keeler 160 S. Illinois Wichita, Kansas 67213
N 20' of 11	"	"	✓ James N. T. Cohlmlia & Rose Cohlmlia & Thomas J. Cohlmlia 101 S. Ridge Road Wichita, Kansas 67209
12	"	"	Same

The Security Abstract and Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners within a 200 Foot radius of:

Lot 21 and the North 20 feet of Lot 22, Block 2,  
Westborough Addition, Sedgwick County, Kansas,  
as shown by the records in the Office of the Register of Deeds of  
Sedgwick County, Kansas, on this 8th day of June, 1970 at 7:00 A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*Mary Stable*  
Vice-President *Asst Secy.*

Order No. 171491  
jwp

FORM 273-02

**PAYMENT NOTICE**  
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
122A	50.00

Name W. J. ...

Address 121 South ...

Type R-71-C Due Date

Comments:

Date 6-11-71 By pk

SEC. TIME

200 SOUTH

WEST.

STREET

close

EXISTING 16' INTRANCE TO BE REMOVED

10 P.

28

PARKING

PARKING

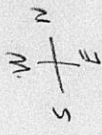
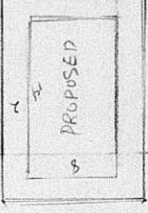
10 P.

28

10 PARKING

20

PARKING



SCALE 1"=1'

BLDG 8 X 14 OVER HANG 2' ALL AROUND 20' SET BACK

LEGAL

LOT 21 + 20' LOT 22

BLOCK 2

WEST BOKONG H APP

FRONT AGE 80'

BY 138'

TRAFFIC ENGINEERING DIVISION APPROVED

Date: 11 JUNE 1970

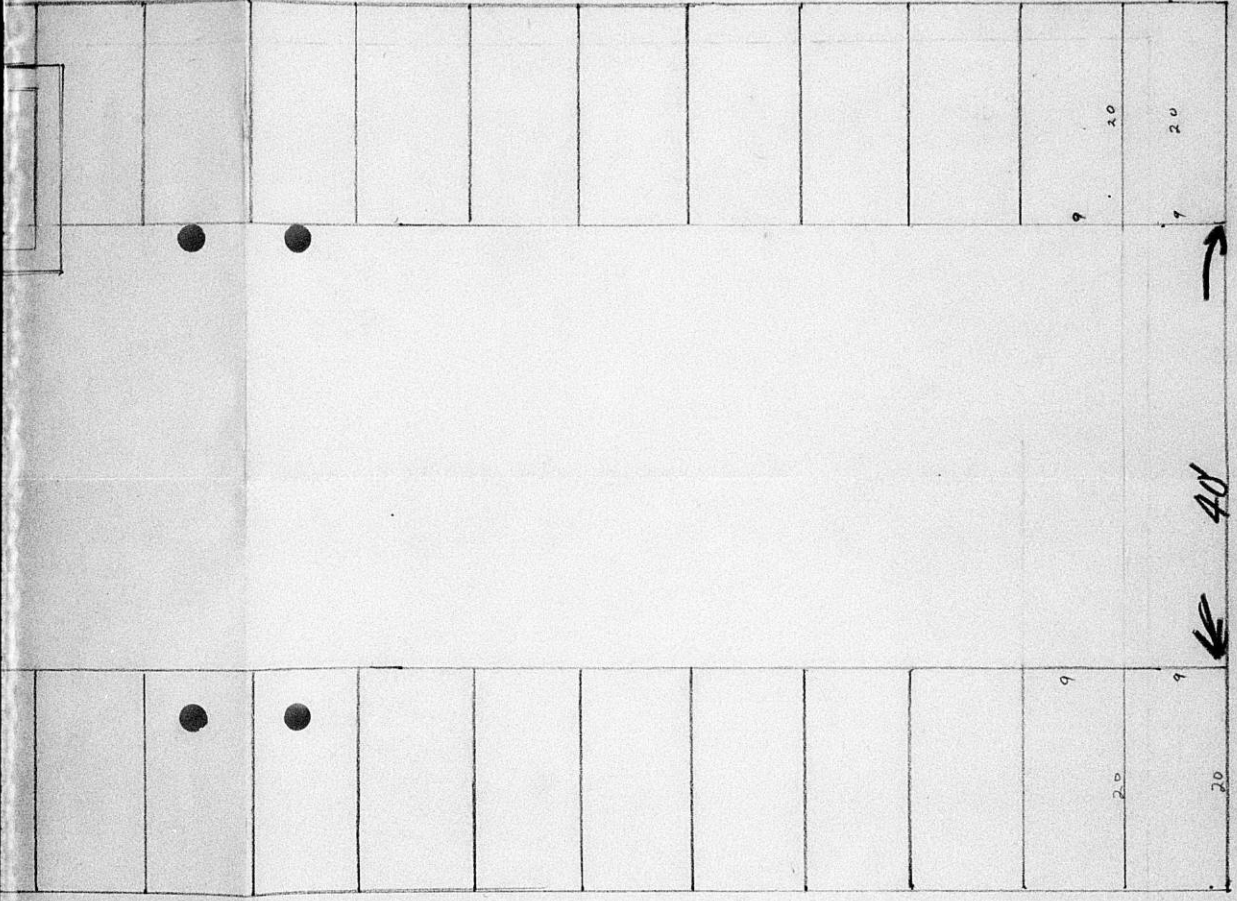
(A) Parking barriers shall be installed at all locations that are adjacent to public property and that vehicles will not obstruct public property and have a minimum length of 6 feet and a minimum cross section of 4" x 4".

(B) Stall lines shall be painted and 4" or greater in width.

(C) Proper ingress and egress signs shall be installed on private property at the entrance and exits of the parking facility.

0002183

OVER HANG AT ALL BOUND  
20' SET BACK  
LEGAL  
LOT 21 + 20' LOT 22  
BLOCK 2  
WEST BOROUGH APP  
FRONT AGE 80'  
BY 138'



LOT-21  
LOT-22

TRAFFIC ENGINEERING DIVISION APPROVED

*[Signature]*

DATE 11 JUNE 1970

(A) Parking barriers shall be installed at all locations that are adjacent to public property and that vehicles will not obstruct public property and have a minimum length of 6 feet and a minimum cross section of 4" X 4".

(B) Stall lines shall be painted and 4" or greater in width. Proper ingress and egress signs shall be installed on private property and the entrance and exits of the parking facility.

(C) Proper ingress and egress signs shall be installed on private property and the entrance and exits of the parking facility.

**APPROVED AS NOTED**  
**By CITY ENGINEER OF WICHITA**

Sanitary Sewers \_\_\_\_\_

Storm Sewers \_\_\_\_\_

Driveway Approaches 07/10/70 *[Signature]*